

THE AM LAW LITIGATION DAILY

Beyond the Feel-Good Case for Giving Associates Courtroom Opportunities

By Ross Todd

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In a profession where courtroom appearances are coveted, **Andrew “Andy” Clubok** spends substantial time and energy convincing **Latham & Watkins** partners to give those appearances away.

Not because the firm’s litigators don’t want them. Quite the opposite.

“All of us love being in court, and we all love arguing,” Clubok told me when we caught up last week.

That’s why, he said, creating stand-up opportunities for associates requires more than good intentions. It requires constant prodding, formal training and a practice-wide commitment even when it might be easier for a senior lawyer to handle any given assignment.

Clubok, global chair of the firm’s securities and M&A litigation practice, has spent years building a “push work down” culture. The firm tracks associate opportunities, discusses them at practice meetings and evaluates partners on how well they create them as part of its extensive review process.

“Someone who’s supervised five depositions is doing a better job than someone who’s supervised none or only one or two,” said Clubok of the partner-level reviews about creating opportunities. “And somebody who’s ... given [associates] the opportunity to put on witnesses at trial, argue critical motions in front of courts at increasingly higher levels—that’s all factored into the evaluation process.”

“It’s a lot harder to push work down than ... you might think, and if you’re not constantly thinking about it, reminding about it, talking about it, you just won’t do it. Inertia is such; it just won’t be done.”



Courtesy photos

Andrew Clubok (L) of Latham & Watkins, and Nikki Stitt Sokol (R) of Meta Platforms.

For Clubok, it’s all part and parcel of the firm investing in the next generation of litigators.

But that explanation, while true, is incomplete.

As Meta Platforms director and associate general counsel—and Latham client—**Nikki Stitt Sokol** sees it, approving an associate for a key argument isn’t an act of professional generosity.

“This is not just something I’m going to do out of the goodness of my heart,” she said. “I have to truly believe that it’s going to be in the best interest of the company.”

For years, law firms have promoted stand-up opportunities as a way to develop young lawyers. What Clubok and Sokol described when I spoke to them last week is something more: a belief that giving associates meaningful courtroom experience helps attract elite talent, strengthens litigation teams,

builds client-specific institutional knowledge and, ultimately, may help win cases.

In jury trials, Clubok points out that, with the attention spans of modern jurors shifting, giving a young lawyer a witness can help recapture the audience's attention.

"When I talk to the jurors after, there's zero jurors who say 'I didn't like that kid. Why did you let that young person talk?' It's obviously the opposite. They're like: 'We loved her. We loved him. We were rooting for them.'"

Meta's Sokol adds that everyone knows that it's usually like the more junior people on a particular matter who "really know the thing inside and out."

"They're deep in it. They've been doing the original research. They've taken the first pen ... And the more senior people have a lot more going on," she said.

But beyond the practical matter of who is best prepared to tackle the issue at hand, Sokol said there's a "vested interest" for her to help grow a bench of people who really know her company well and can continue to serve it as they progress from associate to counsel and eventually to partner.

"It would be terrible if we got to the point in another five, 10 years where there just weren't attorneys who really had the experience to do the job that we needed from them."

That's the part of the conversation with Clubok and Sokol I found most revealing. Sokol wasn't talking about associate development in the abstract. She was talking about succession planning for one of Meta's most important outside legal relationships.

The result is a pipeline of lawyers who don't just know Meta's business from conference calls and briefing drafts. They have been entrusted to advocate for the company in court. Among them is **Kristin Holladay**, who argued and won a defamation-related appeal at the Seventh Circuit this year, and counsel **Maggie Upshaw**, who while an associate successfully argued motions to dismiss in novel privacy class actions facing the company. But the example that perhaps best captures the long-term rationale behind the approach is now-partner **Samir Deger-Sen**, who counted a Ninth Circuit argument for Meta among the double-digit appellate arguments he handled while an associate back when we profiled him in 2022.

"We could see his trajectory," Sokol said of Deger-Sen. "Our team has seen success with this approach."

Here's another thing that can give Sokol confidence in handing a big assignment to a junior lawyer: When Clubok approaches her to ask about opportunities for his associates, he always offers to step in if for any reason a client becomes uncomfortable with the arrangement.

Says Sokol: "I know that if we do a moot [and] I'm seeing anything that is causing me any kind of concern, that he will jump in and he will do the argument and he will be ready. So, there's always that backstop."

Clubok's description of the work that goes into making these opportunities successful is not for the faint of heart. "Once we commit to having a junior person, then the training part of it or the practice part of it is on us," he said. He said he often spends more unbillable time in the moot courts and prep sessions for junior lawyers than he would bill himself if he were preparing to take on the same assignment. That's part of what gives him the confidence to tell client's he could step in at a moment's notice if need be. But he added that in the decades he's been doing this, he's only had to step in a couple of times, and never in a case for Meta.

Clubok said there's another key benefit for him and his clients given Latham's "modified open market" method for staffing cases, where associates get a say in for whom and with whom they work.

"That benefits me to give people opportunities. It's the same with clients," he said. "When the word gets out that: 'Hey, if you work really hard and you do a great job, you get to go argue a big case for Meta,' all of the best associates at our firm want to work on Meta cases, or whoever it is."

"Associates like working for clients who give them opportunities. Associates will work harder when they get those opportunities, and clients will get better service," he said.

In other words, the lawyers creating these opportunities aren't doing it merely because it helps younger attorneys build resumes. They're doing it because they believe it helps them build better teams. And, if Clubok is right, those better teams ultimately benefit clients while the associates get their turn at the podium.